

E-FILED - 8/14/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ELIAS HERNANDEZ-MORALES,)	No. C 09-2213 RMW (PR)
)	
Plaintiff,)	ORDER OF DISMISSAL
)	
v.)	
)	
UNITED STATES OF AMERICA,)	
)	
Defendant.)	
_____)	

On May 19, 2009, plaintiff, proceeding pro se, filed a civil rights complaint pursuant to 42 U.S.C. § 1983. The same day, the court notified plaintiff that he had neither paid the filing fee nor filed an in forma pauperis ("IFP") application. Along with the deficiency notice, plaintiff was provided with a new IFP application, instructions for completing it, and a stamped return envelope. Plaintiff was cautioned that his failure to either file a completed IFP application or pay the filing fee within thirty days would result in the dismissal of this action. No response has been received from plaintiff. Accordingly, the instant action is DISMISSED without prejudice to plaintiff filing a new action in which he either pays the filing fee or files a completed IFP application.

The clerk shall enter judgment and close the file.

IT IS SO ORDERED.

DATED: 8/12/09 _____


RONALD M. WHYTE
United States District Judge